

REMARKS

A. AMENDMENTS TO THE SPECIFICATION

The title of the present application has been amended herein in order to correct a minor typographical error.

B. AMENDMENTS TO THE CLAIMS

As a result of the present amendment, claims 1-13 have been cancelled and claims 14-16 have been added. Support for new claims 14-16 can be found, for example, on page 7, line 21-page 8, line 8 and page 16, line 1-page 18, line 25. No new matter has been added.

C. RESTRICTION REQUIREMENT

In response to the restriction requirement, Applicants elect to prosecute in this patent application Group I, newly added claims 14 (in part) and 15-16, drawn to a nucleotide sequence set forth in SEQ ID NO:1 (*mdmads14* gene) or variants thereof; expression vector, transgenic plant, method and composition comprising said gene. This response is made with traverse, and it is urged that Groups I and II be examined together. Reconsideration is respectfully requested.

Examiner indicated that the inventions listed in Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. However, the technical feature of the present invention is described in claims 14-16 in Group I. Specifically, the nucleotides of SEQ ID NO:1 and SEQ ID NO:2 have 93% identity. The Examiner has taken the position that Vosman et al. teaches a nucleic acid of SEQ ID NO: 1. However, the method of the present invention provides increase of germination speed, increase of germination rate, change of sepal into fruit flesh, delay of ripening and formation of parthenocarpic fruit/inhibition of bearing fruit.

Thus, Groups I and II do relate to a single general inventive concept under PCT Rule 13.1 by sharing the same or corresponding special technical features. The instant invention is distinguished from Vosman et al.

In addition, the Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact, “[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it

includes claims to independent or distinct inventions.” (Emphasis added; Manual of Patent Examining Procedure, § 803, second paragraph).

Thus, for reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present restriction requirement.

There is no change in inventorship based upon this selection.

D. REJOINDER

Applicant reserves the right to request rejoinder of all appropriate claims removed by the Examiner in the event that the traversal is not found to be persuasive.

E. FEES

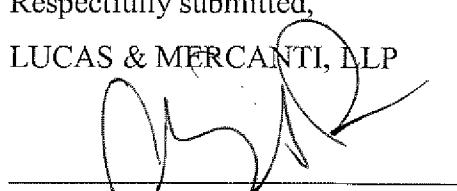
This response is being filed within the shortened period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

LUCAS & MERCANTI, LLP


Christina M. Jordan
Registration No. 61,098

LUCAS & MERCANTI, LLP
475 Park Avenue South
New York, New York 10016
Phone: 212-661-8000
Fax: 212-661-8002

HSC/CMJ/as

[Invention Title]

THE USEAGE OF MADS-BOX GENES IN FRUIT & SEED DEVELOPMENT BY
REGULATING ACTIVE GIBBERELLIN SYNTHESIS